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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gil et al.

Serial No: 09/751,053

Filed: December 29, 2000

For: AGENTS AND METHODS FOR
TREATING PAIN

Examiner: Riley, J.

GAU: 1637

COPY OF PAPERS
ORIGINALLY FILED

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Commissioner for Patents
Washington, D.C. 20231

COMMUNICATION

Dear Sir:

Applicant is submitting this communication in good faith to clarify the filing and status of the above-identified application.

The above-identified application was filed on December 29, 2000. A filing receipt was mailed on February 13, 2001 (a copy of the filing receipt is attached hereto as Exhibit 1). An Office Action was mailed May 10, 2002. On or before December 29, 2001, the invention disclosed in the instant application was the subject of one or more applications filed in another country, or under a multilateral international agreement, that

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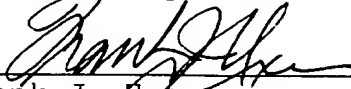
requires publication of the application eighteen months after filing of the above-identified application.

On May 15, 2002, it came to the attention of the undersigned that a form designated as a request for nonpublication under 35 U.S.C. § 122(b)(2) had apparently been inadvertently and unintentionally checked off and filed with the above-identified application. The undersigned respectfully submits that applicant never intended to file a request for nonpublication. Applicant had always intended and believed that the application would be published. To support applicant's understanding that a nonpublication request was not filed, the filing receipt fails to indicate that a nonpublication request was filed (see Exhibit 1). In addition, on May 16, 2002, applicant's representative, Dr. Greg S. Hollrigel, of the undersigned's office, spoke with Ms. Monica Graves of Group Art Unit 1637 to determine whether the United States Patent and Trademark Office (PTO) records indicated that a nonpublication request was filed. Ms. Graves confirmed that the PTO records indicate that a nonpublication request was not filed.

Because the PTO records reflect that a nonpublication request has not been filed, applicant respectfully submits that the above-noted inadvertent and unintentional checking off of the request for nonpublication form has not adversely affected the instant application. Applicant also understands that because the eighteen month deadline for publication of this application is June 29, 2002, the application should be published on or about that date. Thus, applicant submits that the above-identified application is currently pending and that no request for nonpublication has been filed.

The undersigned should be contacted as soon as possible if the PTO requires further information or disagrees with the foregoing.

Respectfully submitted,



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/751,053	12/29/2000	1646	1556	D2919	1	67	3

Frank J Uxa
4 Venture Suite 300
Irvine, CA 92618

FILING RECEIPT



OC000000005760872

17399

Date Mailed: 02/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO process the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel W. Gil, Corona Del Mar, CA ;
Kei R. Aoki, Coto de Caza, CA ;

Continuing Data as Claimed by Applicant

Foreign Applications

Title

Agent and methods for treating pain

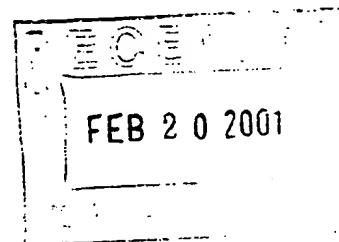
Preliminary Class

514

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Data entry by : GARNETT, SANDRA

Team : OIPE

Date: 02/13/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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